

Message Text

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ACTION L-03

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FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 1041

UNCLAS BANGKOK 3366

E.O. 11652: N/A

TAGS: PFOR

SUBJ: PENDING SOVEREIGN IMMUNITY LEGISLATION

REF: STATE 026018

LOCAL LAWYER ATTACHED TO EMBASSY AND FORMER THAI SUPREME COURT
JUDGE PROVIDE FOLLOWING ANSWERS:

TO QUESTION 2(A): YES. THERE IS PROVISION FOR JUDICIAL REMEDIES
AGAINST LOCAL GOVERNMENT OF THAILAND.

2(B) THE REMEDIES ARE PROVIDED BY PROVISION OF THE CIVIL
CODE, B.E. 2468 (1925), AND THE CIVIL PROCEDURE CODE,
B.E. 2477 (1934).

2(C) A U.S. CITIZEN (OR A U.S. COMPANY) CAN OBTAIN THE SAME
REDRESS AGAINST LOCAL GOVERNMENT OF THAILAND IF THE
CAUSE OF ACTION AROSE IN THE TERRITORIAL JURISDIC-
TION OF THE COURT. RECIPROCITY NEED NOT BE SHOWN.
THE LAW APPLIED IS THE CIVIL PROCEDURE CODE, B.E.
2477 (1934).

3(A) FOREIGN STATES CAN SUE IN THE HOST COUNTRY, THEY
CANNOT AS A RULE BE SUED IN THE HOST COUNTRY, UNLESS
THEY VOLUNTARILY SUBMIT TO THE JURISDICTION OF THE
COURT CONCERNED.

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PRACTICE BASED ON THE INTERNATIONAL LAW (SEE LAUTERPACT

8TH ED.NOTE IN PAGE 264-265, HYDE 2ND ED.P. 814,
LT. GEN. SUK PERUNAVIN 3RD ED.P. 153).

3(B) THE SERVICE OF PROCESS CAN BE SERVED THROUGH DIPLOMATIC
CHANNELS, THAT IS, THROUGH THE MINISTRY OF FOREIGN
AFFAIRS OF THAILAND AND THEN TO EMBASSY OR CONSULATE.
THEY ARE BASED ON THE MINISTRY OF JUSTICE REGULATION
NO. NW 27/2499 DATED 1 JUNE B.E. 2499 (A.D.1946).

3(C) NO PROVISIONS EXIST.

4(A) IF THE FOREIGN STATE VOLUNTARILY SUBMITS TO THE
JURISDICTION OF THE COURT OF THAILAND, IT CAN ATTACH
ASSETS OF THE FOREIGN STATE LOCATED IN THE FOREIGN
STATE (THAILAND).

4(B) SUMS OF MONEY, CORPOREAL MOVABLE PROPERTIES AND
IMMOVABLE PROPERTIES.

5. YES, IF A FOREIGN STATE VOLUNTARILY SUBMITS TO THE
JURISDICTION OF THE COURT OF THAILAND AND THE ASSETS
OF A FOREIGN STATE ARE IN THAILAND.

AGAINST SUMS OF MONEY, CORPOREAL MOVABLE PROPERTIES
AND IMMOVABLE PROPERTIES. THE EXECUTION IS BASED
ON MOTIONS OF RECIPROCITY.
MASTERS

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